NOTIFICATION

LAW DEPARTMENT.

No. LAW 25 LGN 65, Bangalore, dated 8—9th September 1966.

Ordered that the **Mysore Gift Goods (Unlawful Possession) Amendment Act, 1966**, which received the assent of the President on the Twenty-fourth day of August, 1966 be published as Mysore Act No. 2 of 1966 in the *Mysore Gazette* for general information.

MYSORE ACT No. 28 OF 1966.

First published in the Mysore Gazette *dated the Fifteenth day of September 1966*).

THE MYSORE GIFT GOODS (UNLAWFUL POSSESSION) AMENDMENT ACT, 1966.

(*Received the assent of the President on the Twenty-fourth day of August 1966*)

An Act to amend the Mysore Gift Goods (Unlawful Possession) Act, 1963.

WHEREAS it is expedient to amend the Mysore Gift Goods (Unlawful Possession) Act, 1963 (Mysore Act 20 of 1963);

BE it enacted by the Mysore State Legislature in the Seventeenth Year of the Republic of India as follows :—

1 Short title and commencement.—This Act may be called the Mysore Gift Goods (Unlawful Possession) Amendment Act, 1966.

(2) It shall come into force at once.

2 Amendment of the long title.—In the long title to the Mysore Gift Goods (Unlawful Possession) Act, 1963 (Mysore Act 20 of 1963) (hereinafter referred to as the principal Act),—

(i) after the words "An Act", the words "to regulate the possession of gift goods and" shall be inserted; and

(ii) the words "supplied by certain relief organisations" shall be omitted.

3 Amendment of the preamble.—In the preamble to the principal Act,—

(i) after the words "it is expedient", the words "to regulate the possession of gift goods and" shall be inserted; and

(ii) the words "supplied by certain relief organisations" shall be omitted.

4 Amendment of section 2.—In section 2 of the principal Act,—

(i) for clause (1), the following clause shall be substituted, namely :—

"(1) "gift goods" means any of the goods specified in Schedule I to this Act, delivered by any relief organisation to any State Government or to the Central Government or to any other person or organisation individually or on behalf of such Government ;"

(ii) in clause (2), for the words "the Schedule", the word and figures "Schedule II" shall be substituted.

5 Substitution of new sections for section 3.—For section 3 of the principal Act, the following sections shall be substituted, namely :—

"**3. Penalty for unlawful possession of gift goods.**—Whoever is found or is proved to have been in possession of any quantity of gift goods shall, unless he proves that the gift goods came into his possession lawfully, be punishable with imprisonment for a term which may extend to two years or with fine or with both.

3A. Prohibition of sale or purchase of gift goods.—(1) No person shall sell or purchase any quantity of gift goods.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

3B. Presumption in respect of certain goods.—(1) Any goods specified in Schedule I contained in any receptacle, package or covering on which such marks (including words and figures), as the State Government may from time to time by notification in the official Gazette specify, are found shall, until the contrary is proved, be presumed to be

gift goods for purposes of sections 3 and 3A, and the conviction of any person under section 3 or sub-section (2) of section 3A shall not be invalid by reason only that it is based solely on such presumption.

(2) The marks specified under sub-section (1) shall be the marks usually found on receptacles, packages or coverings of gift goods delivered by the different relief organisations."

6. Amendment of section 5.—Section 5 of the principal Act shall be renumbered as sub-section (1) and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely :—

"(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Central Act 5 of 1898) or any other law, the trial of any offence under this Act in any court shall have precedence over the trial of any other offence pending in such court."

7. Insertion of new sections 5A and 5B.—After section 5 of the principal Act, the following sections shall be inserted, namely :—

"**5A. Disposal of goods seized.**—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Central Act 5 of 1898), when any goods regarding which an offence under this Act appears to have been committed, is produced before any court during any inquiry or trial, the court shall, after recording such evidence as it thinks necessary, order such goods including any receptacle, package or covering in which it is found, to be delivered to such officers or authorities as the State Government may by notification in the official Gazette specify, retaining, if the court deems it necessary, a sample of such goods for the purposes of the inquiry or trial.

5B. Confiscation of animals, vehicles, etc.—Any animal, vehicle, vessel or other conveyance used in carrying any goods in respect of which an offence punishable under this Act has been committed shall be confiscated by the order of the court :

Provided that no animal, vehicle, vessel or other conveyance shall be confiscated, if the owner thereof satisfies the court that he had exercised due care in preventing the commission of the offence".

8. **Amendment of section 6.**—In section 6 of the principal Act,—

(i) in the heading, for the words "the Schedule" the word and figures "Schedule II" shall be substituted;

(ii) in sub-section (1), for the words "the Schedule", in the two places where they occur, the word and figures "Schedule II" shall be substituted.

9. **Insertion of Schedule I.**—After section 6, the following Schedule shall be inserted, namely:—

"SCHEDULE I

[*See* section 2 (1)]

1. beans;
2. bulgur wheat;
3. butter;
4. butter oil;
5. cheese;
6. cornmeal;
7. cottonseed oil;
8. ghee;
9. hydrogenated oil
10. milk powder;
11. rolled wheat;
12. soyabean oil
13. sunflower oil,
14. wheat;
15. wheat flour.

10. Amendment of Schedule.—The Schedule to the principal Act shall be numbered as Schedule II and in the Schedule as so numbered, for item 1, the following item shall be substituted, namely :—

"1. United Nations Children's Fund (UNICEF)"

By Order and in the name of the Governor of Mysore.

R. SANJEEVALU,
Secretary to Government,
Law Department.

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